

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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## BILL LIETZKE

Case No. 3:17-cv-00075-MMD-VPC

**Plaintiff.**

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
VALERIE P. COOKE

## CITY OF MONTGOMERY, *et al.*,

## Defendants.

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (ECF No. 4) (“R&R”) relating to Plaintiff’s Application to Proceed *In Forma Pauperis* (ECF No. 1) and *pro se* complaint (ECF No. 1-1). Plaintiff had until April 21, 2017 to file an objection (“Objection”). (ECF No. 4.) Plaintiff filed his objection on April 28, 2017. (ECF No. 5.) While Plaintiff’s Objection was untimely, the Court has considered his objection.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). In light of Plaintiff’s objection, the Court engages in a *de novo* review to determine whether to adopt Magistrate Judge Cook’s Recommendation.

The Magistrate Judge recommends that the Court grant Plaintiff's application to proceed *in forma pauperis*. The Magistrate Judge further recommends that this case be

1 dismissed for lack of personal jurisdiction because plaintiff and defendants are alleged to  
2 be residents of Alabama and there are no allegations of contacts with Nevada. In his  
3 Objection, Plaintiff cites to general case law governing personal jurisdiction, but it is clear  
4 that this Court lacks personal jurisdiction over named out of state defendants. Upon  
5 reviewing the Recommendation and Plaintiff's filings, this Court finds good cause to  
6 adopt the Magistrate Judge's Recommendation in full.

7 It is therefore ordered, adjudged and decreed that the Report and  
8 Recommendation of Magistrate Judge Valerie P. Cooke (ECF No. 4) is accepted and  
9 adopted in its entirety.

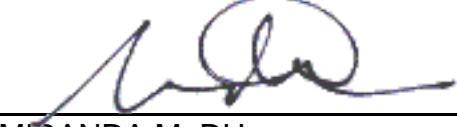
10 It is ordered that Plaintiff's motion to proceed *in forma pauperis* (ECF No 1) is  
11 granted.

12 It is further ordered that the Clerk file the Complaint (ECF No. 1-1).

13 It is further ordered that the complaint is dismissed without prejudice.

14 The Clerk is instructed to close this case.

15 DATED THIS 28<sup>th</sup> day of April 2017.

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18 MIRANDA M. DU  
19 UNITED STATES DISTRICT JUDGE  
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